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# HOUSE BILL No. 1143

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-42-4-12.

**Synopsis:** Predatory trespassing by sex offenders. Makes it a Class D felony for an individual who is a sex offender to enter a school or child care facility during the school or child care facility's normal hours of operation unless the individual: (1) has a child who attends the school or child care facility; (2) is dropping off or picking up the child; and (3) spends no more time at the school or child care facility than is required to drop off or pick up the child.

**Effective:** July 1, 2007.

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January 8, 2007, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE BILL No. 1143

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 35-42-4-12 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2007]: **Sec. 12. (a) This section does not apply to an individual**  
4 **who is a sex offender and who enters a school or child care facility**  
5 **during the school's or child care facility's hours of operation if:**

6           (1) **the individual has care or custody of a child who attends**  
7 **the school or child care facility;**

8           (2) **the individual is:**

9                (A) **dropping the child off; or**

10               (B) **picking the child up;**

11           **at the school or child care facility; and**

12           (3) **the individual does not spend more time at the school or**  
13 **child care facility than is required to drop off or pick up the**  
14 **child.**

15       **(b) As used in this section, "school or child care facility" means:**

16           (1) **a school corporation;**

17           (2) **an entity that is required to be licensed or registered under**

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1 IC 12-17.2 or IC 31-27;

2 (3) a private school that is not supported and maintained by  
3 funds realized from the imposition of a tax on property,  
4 income, or sales; or

5 (4) a federal, state, local, or nonprofit program or service  
6 operated to serve, assist, or otherwise benefit children who  
7 are at least three (3) years of age and not yet enrolled in  
8 kindergarten, including the following:

9 (A) A Head Start program under 42 U.S.C. 9831 et seq.

10 (B) A special education preschool program.

11 (C) A developmental child care program for preschool  
12 children.

13 (c) As used in this section, "sex offender" means an individual  
14 required to register as a sex offender under IC 11-8-8.

15 (d) An individual who is a sex offender and who knowingly or  
16 intentionally enters or remains on school or child care facility  
17 property during the school's or child care facility's hours of  
18 operation commits predatory trespassing, a Class D felony.

19 SECTION 2. [EFFECTIVE JULY 1, 2007] IC 35-42-4-12, as  
20 added by this act, applies only to crimes committed after June 30,  
21 2007.

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